

**TOWN OF GRANT
PORTAGE COUNTY, WISCONSIN
OUTDOOR WOODBURNER ORDINANCE
ORDINANCE NO. 2011-01**

The town board of the Town of Grant, Portage County, Wisconsin, by the ordinance, adopted on proper notice with a quorum vote of a majority of the town board present and voting adopted, at the Town of Grant Monthly Board Meeting on May 11, 2011, Outdoor Wood Burner Ordinance #2011-01, to take effect **June 1, 2011**.

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Town of Grant by requiring that outdoor wood burner furnaces and outdoor wood burner furnace systems are properly located, installed and maintained consistent with the terms and conditions of this Ordinance.

Since this ordinance is unique to other ordinances within the Town, in that it **only applies to high density residential zoning districts**, expansion of this ordinance to additional zoning districts will require a Public Hearing prior to enactment.

A copy of the full text of Outdoor Wood burner Ordinance #2011-01 may be obtained at the Transfer Station at 8840 Griffith Ave., Wisconsin Rapids, from Transfer Station attendant, by calling the Town Clerk at 715-423-9193, or viewed at the Town of Grant Hall at 9011 County Road WW, Wisconsin Rapids.

Dated June 1st, 2011 Vicky Zimmerman
Town of Grant, Clerk

TOWN OF GRANT
PORTAGE COUNTY WISCONSIN
OUTDOOR WOODBURNER ORDINANCE
ORDINANCE NO. 2011 - #01

SECTION 1: PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Town of Grant by requiring that outdoor woodburner furnaces and outdoor woodburner furnace systems are properly located, installed and maintained consistent with the terms and conditions of this Ordinance.

SECTION 2: APPLICABILITY

Since this ordinance is unique to other ordinances within the Town, in that it only applies to high density residential zoning districts, expansion of this ordinance to additional zoning districts will require a Public Hearing prior to enactment.

SECTION 3: DEFINITIONS

1. "Clean natural wood" means natural wood which: (a) has not been pressure treated, painted, varnished or coated with a similar material; (b) does not contain resins or glues, such as plywood or other composite wood products; and (c) is not particle board, refuse, or yard waste.
2. "Nuisance" means, but is not limited to, the burning of any materials of any kind which generates smoke or odor from an outdoor woodburner furnace in a manner so as to endanger the public; in a manner which constitutes a threat to the safety or health of the public; or in a manner which disturbs the comfort or repose of any person, as determined by the Town of Grant.
3. "Outdoor woodburner furnace", or OWB, means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. This includes OWBs that may be enclosed within a shed, garage, or barn type structure.
4. "Refuse" and "yard waste" mean, for the purpose of this Ordinance, and shall refer to, any waste material, including, but not limited to, leaves, grass, garbage and other similar organic material; construction and demolition waste material; toxic or explosive material; electrical wiring, rubber and plastic products.
5. "Spark arrestors" means a device installed at the stack discharge to restrict larger pieces of materials from exiting the burner. Typically a spark arrestor is made from stainless steel and includes a mesh screen.
6. "Yard, rear" means a yard extending from the rear line of the main building to the rear lot line for the entire width of the lot.
7. "Yard, side" means a yard on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.

SECTION 4: INSTALLATION AND USE

An OWB may be installed and used only in accordance with all of the following provisions:

1. An OWB shall use, as a fuel source, only clean natural wood; provided however, that other fuel sources recommended by the manufacturer of the OWB may be utilized if the same are not specifically prohibited by this Ordinance.
2. Neither refuse, nor yard waste shall be used as a fuel source.
3. No OWB shall be utilized in a manner which endangers the public, which threatens the safety or health of the public, or which constitutes a nuisance as that term is defined in the Ordinance, or as the same may be otherwise defined in law.
4. An OWB shall be located no less than 300 feet from the nearest residence not located on the same property as is the OWB.
5. An OWB shall be located to the rear or side yard of the primary residence for which it is intended to act as a heat source.
6. An OWB shall be located at least 20 feet from the nearest structure on the same property and 10 feet minimum from rear yard property line and 15 feet minimum from side yard property line.
7. OWB use is prohibited from May 1st through October 1st.
8. Spark arrestors are mandatory for all OWBs

SECTION 5: EXEMPTIONS

1. Notwithstanding subsection 4.2 of this Ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under Ordinance.
2. Confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
4. The replacement of existing OWBs installed prior to effective date of this Ordinance with OWB's classified as Environmental Protection Agency Phase 2 are exempt from the 300' nearest residence setback provision contained within this ordinance.

SECTION 6: PERMITS

The owner or occupant of the property shall obtain a zoning permit for each OWB prior to installation and any required inspections shall be completed and approved prior to its use.

SECTION 7: RIGHT OF ENTRY AND INSPECTION

Any authorized officer, agent, employee or representative of the Town of Grant may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

SECTION 8: NONCONFORMING OUTDOOR WOODBURNER FURNACES

The lawful use of a nonconforming OWB existing at the time of the adoption or amendment of this ordinance or becomes nonconforming due to adjacent residential development may be continued although such furnace does not conform to the provisions of the Ordinance. Notwithstanding the foregoing, a non-conforming OWB shall not be used or operated in such a manner so as to constitute public nuisance or so as to cause a condition which is hazardous to human health or is prohibited by any applicable federal

state or local statutes, ordinances, regulations or common law. Additionally, such non-conforming OWBs shall be used and maintained in compliance with all the provisions of the Ordinance to the maximum extent to which compliance is reasonably possible. OWBs which are installed prior to the implementation of this Ordinance may continue to be operated as long as they are determined not to be a nuisance. Note that the restrictions on OWB usage occurring within the year take effect immediately upon approval of this Ordinance. Existing OWBs which are relocated or replaced shall be considered "newly installed units" and shall be subject to all of the provision and requirements of this Ordinance.

SECTION 9: ENFORCEMENT

This Ordinance shall be enforced under the direction of the Town Board, through the Town zoning administrator and county law enforcement officers.

SECTION 10: PENALTIES

Any person violating the provisions of this Ordinance shall be punished upon conviction according to the following forfeiture range: Not less than \$25.00 or more than \$250.00 per violation. A citation may be issued, according to the following schedule: \$25.00 for the first violation, \$50.00 for the second violation, \$100 for the third violation and subsequent violation, together with court costs, pursuant to Chapter 814, Wis. Stats. If any violation be continuing, each day's violation shall be deemed a separate offense. The Town Board may use any and all lawful enforcement mechanisms to enforce this Ordinance, including seeking legal or equitable relief.

SECTION 11: SEVERABILITY

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION 12: VALIDITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 13: DISCLAIMER

The Town of Grant does not, by issuing a permit, warranty or make assurance of any kind whatsoever, specifically as to whether the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

The Town of Grant voted to adopt this Ordinance on 5/11/2011
Resolution #:

Signed:

Brian Schell

Chairperson

Paul W. Miller

Supervisor

Jane P. Gatto

Supervisor

APRIL 20, 2011

Witnessed:

Ashley Zimmerman

Town Clerk

5/25/2011

Dated

6/1/2011

Posted: Town Hall, Transfer Station, Oak & Townline

Published: 5/31/2011